

Docket No. 05-0407
Quality Exhibit 2, Attachment 2

JULIE FACT SHEET

FACT SHEET

SECTION 2.3 DEFINITIONS, EXCAVATION

REASON:

SECTION 2.9 DEFINITIONS, 48 HOURS

REASON:

SECTION 2.10 DEFINITIONS, OPEN CUT UTILITY LOCATE

REASON:

SECTION 2.11 DEFINITIONS, ROADWAY SURFACE MILLING

REASON:

SECTION 6 EMERGENCY EXCAVATION OR DEMOLITION

At a minimum, the notice under this subsection (a) shall provide:

(4) the type and extent of the work involved.

There is a wait time of two (2) hours ~~A 2-hour wait time~~ or the date and time requested on the notice, whichever is longer, exists after an emergency locate notification request is made through the State-Wide One-Call Notice System. If the conditions at the site dictate an earlier start time than the *required 2-hour* wait time, it is the responsibility of the excavator to demonstrate that site conditions warranted an earlier start time.

Upon notice by the person engaged in emergency excavation or demolition, the person owning or operating underground utility facilities or CATS facilities in or near the excavation or demolition area shall communicate with the person engaged in emergency excavation or demolition within two (2) hours or by the date and time requested on the notice, whichever is longer.

The notice by the owner or operator to the person engaged in emergency excavation or demolition may be provided by phone or phone message or by marking the excavation or demolition area. The owner or operator has discharged the owner's or operator's obligation to provide notice under this Section if the owner or operator attempts to provide notice by telephone, but is unable to do so because the person engaged in the emergency excavation or demolition does not answer his or her telephone or does not have an answering machine or answering service to receive the telephone call. If the owner or operator attempts to provide notice by telephone or by facsimile but receives a busy signal, that attempt shall not discharge the owner or operator of the obligation to provide notice under this Section.

(d) An open cut utility locate shall be deemed an emergency for purposes of this Section.

REASON:

Clarifies the current practice and provides direction for those involved in emergency excavation or demolition.

SECTION 10 RECORD OF NOTICE; MARKING OF FACILITIES

Underground Facility (Facility owner or Agent use only) (Excavator use only)

REASON:

The language designates certain colors of flags, stakes and paint used to mark an underground utility facility or CATS facility for use only by a facility owner or agent or for use only by an excavator. This language clarifies the specific use of identification colors.

SECTION 11 PENALTIES; LIABILITY

(e) . . . or a failure to provide notice that facilities are not within the proposed excavation or demolition area as required in Section 10, or (ii) who willfully fail to respond as required in Section 6 to an emergency request, . . .

(j) When a penalty is warranted, the following criteria shall be used in determining the magnitude of the penalty: (3) history of noncompliance for the prior eighteen (18) months, from the date of the incident.

REASON:

This language (e) reinforces the need for positive response which the law already requires. The current criteria (j) do not specify a length of time and penalizes those that have made changes and/or improvements in their damage prevention awareness and safety practices.

DAMAGE PREVENTION MANAGERS BY REGION:

- Northern Illinois, David Van Wy, 847-963-0387 (office), 815-351-5002 (cell)
- Central Illinois, Dale Kuhn, 217-698-0813 (office), 217-725-0904 (cell)
- Southern Illinois, Raymond Muhs, 618-662-2118 (office), 618-843-2513 (cell)

For a complete copy of the law and the latest news, visit www.illinois1call.com.